



General Assembly

Amendment

February Session, 2008

LCO No. 4968

SB0067104968HDO

Offered by:
REP. DYSON, 94th Dist.

To: Subst. Senate Bill No. 671

File No. 436

Cal. No. 460

"AN ACT CONCERNING IDENTITY THEFT."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective from passage*) Notwithstanding any other
4 provision of law including, but not limited to, subsections (t) and (u) of
5 section 1-1, section 54-130a of the 2008 supplement to the general
6 statutes, and section 54-194 of the general statutes, (1) the sentence of
7 any person convicted of a capital felony and sentenced prior to the
8 effective date of this section to a sentence of death in accordance with
9 section 53a-46a of the general statutes in effect prior to the effective
10 date of this section is commuted to a sentence of life imprisonment
11 without the possibility of release, as defined in section 53a-35b of the
12 general statutes, as amended by this act, on the effective date of this
13 section, and (2) the punishment or penalty for any person who (A) is
14 convicted prior to, on or after the effective date of this section of a
15 capital felony committed prior to the effective date of this section, and
16 (B) is sentenced or resentenced on or after the effective date of this

17 section, shall be a sentence of life imprisonment without the possibility
18 of release, as defined in section 53a-35b of the general statutes, as
19 amended by this act, if such offense was committed on or after October
20 1, 1985, and a sentence of life imprisonment, as defined in section 53a-
21 35b of the general statutes, as amended by this act, if such offense was
22 committed prior to October 1, 1985. For the purposes of this section,
23 "capital felony" means a violation of section 53a-54b of the general
24 statutes in effect prior to the effective date of this section.

25 Sec. 502. Section 53a-54b of the general statutes is repealed and the
26 following is substituted in lieu thereof (*Effective from passage*):

27 A person is guilty of [a capital felony] murder with special
28 circumstances who is convicted of any of the following: (1) Murder of a
29 member of the Division of State Police within the Department of Public
30 Safety or of any local police department, a chief inspector or inspector
31 in the Division of Criminal Justice, a state marshal who is exercising
32 authority granted under any provision of the general statutes, a
33 judicial marshal in performance of the duties of a judicial marshal, a
34 constable who performs criminal law enforcement duties, a special
35 policeman appointed under section 29-18, a conservation officer or
36 special conservation officer appointed by the Commissioner of
37 Environmental Protection under the provisions of section 26-5, an
38 employee of the Department of Correction or a person providing
39 services on behalf of said department when such employee or person
40 is acting within the scope of such employee's or person's employment
41 or duties in a correctional institution or facility and the actor is
42 confined in such institution or facility, or any firefighter, while such
43 victim was acting within the scope of such victim's duties; (2) murder
44 committed by a defendant who is hired to commit the same for
45 pecuniary gain or murder committed by one who is hired by the
46 defendant to commit the same for pecuniary gain; (3) murder
47 committed by one who has previously been convicted of intentional
48 murder or of murder committed in the course of commission of a
49 felony; (4) murder committed by one who was, at the time of
50 commission of the murder, under sentence of life imprisonment; (5)

51 murder by a kidnapper of a kidnapped person during the course of the
52 kidnapping or before such person is able to return or be returned to
53 safety; (6) murder committed in the course of the commission of sexual
54 assault in the first degree; (7) murder of two or more persons at the
55 same time or in the course of a single transaction; or (8) murder of a
56 person under sixteen years of age.

57 Sec. 503. Section 53a-35a of the 2008 supplement to the general
58 statutes is repealed and the following is substituted in lieu thereof
59 (*Effective from passage*):

60 For any felony committed on or after [July 1, 1981] the effective date
61 of this section, the sentence of imprisonment shall be a definite
62 sentence and the term shall be fixed by the court as follows: (1) For [a
63 capital felony] the class A felony of murder with special circumstances,
64 a term of life imprisonment without the possibility of release; [unless a
65 sentence of death is imposed in accordance with section 53a-46a;] (2)
66 for the class A felony of murder, a term not less than twenty-five years
67 nor more than life; (3) for the class A felony of aggravated sexual
68 assault of a minor under section 53a-70c of the 2008 supplement to the
69 general statutes, a term not less than twenty-five years or more than
70 fifty years; (4) for a class A felony other than an offense specified in
71 subdivision (2) or (3) of this section, a term not less than ten years nor
72 more than twenty-five years; (5) for the class B felony of manslaughter
73 in the first degree with a firearm under section 53a-55a of the 2008
74 supplement to the general statutes, a term not less than five years nor
75 more than forty years; (6) for a class B felony other than manslaughter
76 in the first degree with a firearm under section 53a-55a of the 2008
77 supplement to the general statutes, a term not less than one year nor
78 more than twenty years, except that for a conviction under section 53a-
79 59(a)(1), 53a-59a, 53a-70a, 53a-94a, 53a-101(a)(1) or 53a-134(a)(2), the
80 term shall be not less than five years nor more than twenty years; (7)
81 for a class C felony, a term not less than one year nor more than ten
82 years, except that for a conviction under section 53a-56a, the term shall
83 be not less than three years nor more than ten years; (8) for a class D
84 felony, a term not less than one year nor more than five years, except

85 that for a conviction under section 53a-60b or 53a-217, the term shall be
86 not less than two years nor more than five years, for a conviction
87 under section 53a-60c, the term shall be not less than three years nor
88 more than five years, and for a conviction under section 53a-216, the
89 term shall be five years; and (9) for an unclassified felony, a term in
90 accordance with the sentence specified in the section of the general
91 statutes that defines the crime.

92 Sec. 504. Section 53a-35b of the general statutes is repealed and the
93 following is substituted in lieu thereof (*Effective from passage*):

94 [A] For the purposes of this title and titles 51 and 54, (1) a sentence
95 of [imprisonment for life shall mean] life imprisonment means a
96 definite sentence of sixty years, [unless the] and (2) a sentence [is] of
97 life imprisonment without the possibility of release, imposed pursuant
98 to [subsection (g) of section 53a-46a, in which case the sentence shall
99 be] subdivision (1) of section 53a-35a of the 2008 supplement to the
100 general statutes, as amended by this act, means imprisonment for the
101 remainder of the defendant's natural life without the possibility of
102 parole, sentence reduction, temporary leave, furlough or any other
103 kind of post-conviction conditional or absolute release.

104 Sec. 505. Subsection (a) of section 53a-45 of the general statutes is
105 repealed and the following is substituted in lieu thereof (*Effective from*
106 *passage*):

107 (a) Murder is punishable as a class A felony in accordance with
108 subdivision (2) of section 53a-35a of the 2008 supplement to the general
109 statutes, as amended by this act, unless it is [a capital felony] murder
110 with special circumstances under section 53a-54b, as amended by this
111 act, punishable as a class A felony in accordance with subdivision (1)
112 of section 53a-35a of the 2008 supplement to the general statutes, as
113 amended by this act, or murder under section 53a-54d.

114 Sec. 506. Subsection (c) of section 53a-54a of the general statutes is
115 repealed and the following is substituted in lieu thereof (*Effective from*
116 *passage*):

117 (c) Murder is punishable as a class A felony in accordance with
118 subdivision (2) of section 53a-35a of the 2008 supplement to the general
119 statutes, as amended by this act, unless it is [a capital felony] murder
120 with special circumstances under section 53a-54b, as amended by this
121 act, punishable as a class A felony in accordance with subdivision (1)
122 of section 53a-35a of the 2008 supplement to the general statutes, as
123 amended by this act, or murder under section 53a-54d.

124 Sec. 507. Subsection (m) of section 10-145b of the general statutes is
125 repealed and the following is substituted in lieu thereof (*Effective from*
126 *passage*):

127 (m) (1) The State Board of Education may revoke any certificate,
128 authorization or permit issued pursuant to sections 10-144o to 10-149,
129 inclusive, for any of the following reasons: (A) The holder of the
130 certificate, authorization or permit obtained such certificate,
131 authorization or permit through fraud or misrepresentation of a
132 material fact; (B) the holder has persistently neglected to perform the
133 duties for which the certificate, authorization or permit was granted;
134 (C) the holder is professionally unfit to perform the duties for which
135 the certificate, authorization or permit was granted; (D) the holder is
136 convicted in a court of law of a crime involving moral turpitude or of
137 any other crime of such nature that in the opinion of the board
138 continued holding of a certificate, authorization or permit by the
139 person would impair the standing of certificates, authorizations or
140 permits issued by the board; or (E) other due and sufficient cause. The
141 State Board of Education shall revoke any certificate, authorization or
142 permit issued pursuant to said sections if the holder is found to have
143 intentionally disclosed specific questions or answers to students or
144 otherwise improperly breached the security of any administration of a
145 state-wide examination pursuant to section 10-14n of the 2008
146 supplement to the general statutes. In any revocation proceeding
147 pursuant to this section, the State Board of Education shall have the
148 burden of establishing the reason for such revocation by a
149 preponderance of the evidence. Revocation shall be in accordance with
150 procedures established by the State Board of Education pursuant to

151 chapter 54.

152 (2) When the Commissioner of Education is notified, pursuant to
153 section 10-149a or 17a-101i that a person holding a certificate,
154 authorization or permit issued by the State Board of Education under
155 the provisions of sections 10-144o to 10-149, inclusive, has been
156 convicted of (A) a capital felony, pursuant to section 53a-54b in effect
157 prior to the effective date of this section, (B) arson murder, pursuant to
158 section 53a-54d, (C) a class A felony, (D) a class B felony, except a
159 violation of section 53a-122, 53a-252 or 53a-291, (E) a crime involving
160 an act of child abuse or neglect as described in section 46b-120 of the
161 2008 supplement to the general statutes, or (F) a violation of section 53-
162 21 of the 2008 supplement to the general statutes, 53-37a of the 2008
163 supplement to the general statutes, 53a-60b, 53a-60c, 53a-71 of the 2008
164 supplement to the general statutes, 53a-72a, 53a-72b, 53a-73a of the
165 2008 supplement to the general statutes, 53a-88, 53a-99, 53a-103a, 53a-
166 181c, 53a-191, 53a-196, 53a-196c of the 2008 supplement to the general
167 statutes, 53a-216, 53a-217b or 21a-278 of the 2008 supplement to the
168 general statutes or subsection (a) of section 21a-277, any certificate,
169 permit or authorization issued by the State Board of Education and
170 held by such person shall be deemed revoked and the commissioner
171 shall notify such person of such revocation, provided such person may
172 request reconsideration pursuant to regulations adopted by the State
173 Board of Education, in accordance with the provisions of chapter 54.

174 (3) The State Board of Education may deny an application for a
175 certificate, authorization or permit for any of the following reasons: (A)
176 The applicant seeks to obtain a certificate, authorization or permit
177 through fraud or misrepresentation of a material fact; (B) the applicant
178 has been convicted in a court of law of a crime involving moral
179 turpitude or of any other crime of such nature that in the opinion of
180 the board issuance of a certificate, authorization or permit would
181 impair the standing of certificates, authorizations or permits issued by
182 the board; or (C) other due and sufficient cause. Any applicant denied
183 a certificate, authorization or permit shall be notified in writing of the
184 reasons for denial. Any applicant denied a certificate, authorization or

185 permit may request a review of such denial by the State Board of
186 Education.

187 Sec. 508. Section 10-145i of the general statutes is repealed and the
188 following is substituted in lieu thereof (*Effective from passage*):

189 Notwithstanding the provisions of sections 10-144o to 10-146b,
190 inclusive, and 10-149, the State Board of Education shall not issue or
191 reissue any certificate, authorization or permit pursuant to said
192 sections if (1) the applicant for such certificate, authorization or permit
193 has been convicted of any of the following: (A) A capital felony, as
194 defined in section 53a-54b in effect prior to the effective date of this
195 section; (B) arson murder, as defined in section 53a-54d; (C) any class
196 A felony; (D) any class B felony except a violation of section 53a-122,
197 53a-252 or 53a-291; (E) a crime involving an act of child abuse or
198 neglect as described in section 46b-120 of the 2008 supplement to the
199 general statutes; or (F) a violation of section 53-21 of the 2008
200 supplement to the general statutes, 53-37a of the 2008 supplement to
201 the general statutes, 53a-60b, 53a-60c, 53a-71 of the 2008 supplement to
202 the general statutes, 53a-72a, 53a-72b, 53a-73a of the 2008 supplement
203 to the general statutes, 53a-88, 53a-99, 53a-103a, 53a-181c, 53a-191, 53a-
204 196, 53a-196c of the 2008 supplement to the general statutes, 53a-216,
205 53a-217b or 21a-278 of the 2008 supplement to the general statutes or a
206 violation of subsection (a) of section 21a-277, and (2) the applicant
207 completed serving the sentence for such conviction within the five
208 years immediately preceding the date of the application.

209 Sec. 509. Subsection (a) of section 46b-127 of the 2008 supplement to
210 the general statutes is repealed and the following is substituted in lieu
211 thereof (*Effective from passage*):

212 (a) The court shall automatically transfer from the docket for
213 juvenile matters to the regular criminal docket of the Superior Court
214 the case of any child charged with the commission of a capital felony
215 under section 53a-54b in effect prior to the effective date of this section,
216 a class A or B felony or a violation of section 53a-54d, provided such

217 offense was committed after such child attained the age of fourteen
218 years and counsel has been appointed for such child if such child is
219 indigent. Such counsel may appear with the child but shall not be
220 permitted to make any argument or file any motion in opposition to
221 the transfer. The child shall be arraigned in the regular criminal docket
222 of the Superior Court at the next court date following such transfer,
223 provided any proceedings held prior to the finalization of such transfer
224 shall be private and shall be conducted in such parts of the courthouse
225 or the building wherein court is located as shall be separate and apart
226 from the other parts of the court which are then being held for
227 proceedings pertaining to adults charged with crimes. The file of any
228 case so transferred shall remain sealed until the end of the tenth
229 working day following such arraignment unless the state's attorney
230 has filed a motion pursuant to this subsection, in which case such file
231 shall remain sealed until the court makes a decision on the motion. A
232 state's attorney may, not later than ten working days after such
233 arraignment, file a motion to transfer the case of any child charged
234 with the commission of a class B felony or a violation of subdivision (2)
235 of subsection (a) of section 53a-70 to the docket for juvenile matters for
236 proceedings in accordance with the provisions of this chapter. The
237 court sitting for the regular criminal docket shall, after hearing and not
238 later than ten working days after the filing of such motion, decide such
239 motion.

240 Sec. 510. Subsection (a) of section 46b-133 of the 2008 supplement to
241 the general statutes is repealed and the following is substituted in lieu
242 thereof (*Effective from passage*):

243 (a) Nothing in this part shall be construed as preventing the arrest of
244 a child, with or without a warrant, as may be provided by law, or as
245 preventing the issuance of warrants by judges in the manner provided
246 by section 54-2a, as amended by this act, except that no child shall be
247 taken into custody on such process except on apprehension in the act,
248 or on speedy information, or in other cases when the use of such
249 process appears imperative. Whenever a child is arrested and charged
250 with a crime, such child may be required to submit to the taking of his

251 photograph, physical description and fingerprints. Notwithstanding
252 the provisions of section 46b-124 of the 2008 supplement to the general
253 statutes, the name, photograph and custody status of any child
254 arrested for the commission of a capital felony under section 53a-54b in
255 effect prior to the effective date of this section or class A felony may be
256 disclosed to the public.

257 Sec. 511. Subsection (c) of section 51-36 of the general statutes is
258 repealed and the following is substituted in lieu thereof (*Effective from*
259 *passage*):

260 (c) (1) In any case in which a person has been convicted of a felony,
261 other than a capital felony under section 53a-54b in effect prior to the
262 effective date of this section or murder with special circumstances
263 under section 53a-54b, as amended by this act, in effect on or after the
264 effective date of this section, the official records of evidence or judicial
265 proceedings in the court may be destroyed upon the expiration of
266 twenty years from the date of imposition of the sentence in such case
267 or upon the expiration of the sentence imposed upon such person,
268 whichever is later.

269 (2) In any case in which a person has been convicted after trial of a
270 capital felony under section 53a-54b in effect prior to the effective date
271 of this section or murder with special circumstances under section 53a-
272 54b, as amended by this act, in effect on or after the effective date of
273 this section, the official records of evidence or judicial proceedings in
274 the court may be destroyed upon the expiration of seventy-five years
275 from the date of imposition of the sentence in such case.

276 (3) In any case in which a person has been found not guilty, or in
277 any case that has been dismissed or was not prosecuted, the court may
278 order the destruction or disposal of all exhibits entered in such case
279 upon the expiration of ninety days from the date of final disposition of
280 such case, unless a prior disposition of such exhibits has been ordered
281 pursuant to section 54-36a of the 2008 supplement to the general
282 statutes. In any case in which a nolle has been entered, the court may

283 order the destruction or disposal of all exhibits entered in such case
284 upon the expiration of thirteen months from the date of final
285 disposition of such case. Not less than thirty days prior to the
286 scheduled destruction or disposal of exhibits under this subdivision,
287 the clerk of the court shall send notice to all parties and any party may
288 request a hearing on the issue of such destruction or disposal before
289 the court in which the matter is pending.

290 (4) In any case in which a person has been convicted of a
291 misdemeanor or has been adjudicated a youthful offender, the court
292 may order the destruction or disposal of all exhibits entered in such
293 case upon the expiration of ten years from the date of imposition of the
294 sentence in such case or upon the expiration of the sentence imposed
295 on such person, whichever is later, unless a prior disposition of such
296 exhibits has been ordered pursuant to section 54-36a of the 2008
297 supplement to the general statutes. Not less than thirty days prior to
298 the scheduled destruction or disposal of exhibits under this
299 subdivision, the clerk of the court shall send notice to all parties and
300 any party may request a hearing on the issue of such destruction or
301 disposal before the court in which the matter is pending.

302 (5) In any case in which a person is charged with multiple offenses,
303 no destruction or disposal of exhibits may be ordered under this
304 subsection until the longest applicable retention period under this
305 subsection has expired. The provisions of this subdivision and
306 subdivisions (3), (4) and (6) of this subsection shall apply to any
307 criminal or motor vehicle case disposed of before, on or after October
308 1, 2006.

309 (6) The retention period for the official records of evidence and
310 exhibits in any habeas corpus proceeding, petition for a new trial or
311 other proceeding arising out of a criminal case in which a person has
312 been convicted shall be the same as the applicable retention period
313 under this subsection for the criminal case from which such
314 proceeding or petition arose.

315 (7) For the purposes of this subsection, "sentence" includes any
316 period of incarceration, parole, special parole or probation.

317 Sec. 512. Subsection (b) of section 51-199 of the general statutes is
318 repealed and the following is substituted in lieu thereof (*Effective from*
319 *passage*):

320 (b) The following matters shall be taken directly to the Supreme
321 Court: (1) Any matter brought pursuant to the original jurisdiction of
322 the Supreme Court under section 2 of article sixteen of the
323 amendments to the Constitution; (2) an appeal in any matter where the
324 Superior Court declares invalid a state statute or a provision of the
325 state Constitution; (3) an appeal in any criminal action involving a
326 conviction for a capital felony [,] under section 53a-54b in effect prior
327 to the effective date of this section, a class A felony [,] or any other
328 felony, including any persistent offender status, for which the
329 maximum sentence which may be imposed exceeds twenty years; [(4)
330 review of a sentence of death pursuant to section 53a-46b; (5)] (4) any
331 election or primary dispute brought to the Supreme Court pursuant to
332 section 9-323 of the 2008 supplement to the general statutes, or 9-325;
333 [(6)] (5) an appeal of any reprimand or censure of a probate judge
334 pursuant to section 45a-65; [(7)] (6) any matter regarding judicial
335 removal or suspension pursuant to section 51-51j; [(8)] (7) an appeal of
336 any decision of the Judicial Review Council pursuant to section 51-51r;
337 [(9)] (8) any matter brought to the Supreme Court pursuant to section
338 52-265a; [(10)] (9) writs of error; and [(11)] (10) any other matter as
339 provided by law.

340 Sec. 513. Section 51-246 of the general statutes is repealed and the
341 following is substituted in lieu thereof (*Effective from passage*):

342 In the trial of any [capital case or any case involving imprisonment
343 for life] offense punishable by life imprisonment or life imprisonment
344 without the possibility of release, the court may, in its discretion,
345 require the jury to remain together in the charge of judicial marshals
346 during the trial and until the jury is discharged by the court from

347 further consideration of the case.

348 Sec. 514. Section 51-286c of the general statutes is repealed and the
349 following is substituted in lieu thereof (*Effective from passage*):

350 The state's attorney for any judicial district may employ one or more
351 detectives to investigate for the purpose of discovering the
352 perpetrators of any crime committed within this state, whenever the
353 penalty for such crime is [capital punishment or imprisonment in the
354 Connecticut Correctional Institution, Somers] life imprisonment or life
355 imprisonment without the possibility of release. The expenses incurred
356 in the employment of such detectives shall be paid from the State
357 Treasury on an order from the state's attorney employing them.

358 Sec. 515. Subsection (a) of section 52-434 of the general statutes is
359 repealed and the following is substituted in lieu thereof (*Effective from*
360 *passage*):

361 (a) (1) Each judge of the Supreme Court, each judge of the Appellate
362 Court, each judge of the Superior Court and each judge of the Court of
363 Common Pleas who ceases or has ceased to hold office because of
364 retirement other than under the provisions of section 51-49 and who is
365 an elector and a resident of this state shall be a state referee for the
366 remainder of such judge's term of office as a judge and shall be eligible
367 for appointment as a state referee during the remainder of such judge's
368 life in the manner prescribed by law for the appointment of a judge of
369 the court of which such judge is a member. The Superior Court may
370 refer any civil, nonjury case or with the written consent of the parties
371 or their attorneys, any civil jury case pending before the court in which
372 the issues have been closed to a judge trial referee who shall have and
373 exercise the powers of the Superior Court in respect to trial, judgment
374 and appeal in the case, and any proceeding resulting from a demand
375 for a trial de novo pursuant to subsection (e) of section 52-549z may be
376 referred without the consent of the parties to a judge trial referee who
377 has been specifically designated to hear such proceedings pursuant to
378 subsection (b) of this section. The Superior Court may, with the

379 consent of the parties or their attorneys, refer any criminal case to a
380 judge trial referee who shall have and exercise the powers of the
381 Superior Court in respect to trial, judgment, sentencing and appeal in
382 the case, except that the Superior Court may, without the consent of
383 the parties or their attorneys, (A) refer any criminal case, other than a
384 criminal jury trial, to a judge trial referee assigned to a geographical
385 area criminal court session, and (B) refer any criminal case, other than
386 a class A or B felony or capital felony under section 53a-54b in effect
387 prior to the effective date of this section, to a judge trial referee to
388 preside over the jury selection process and any voir dire examination
389 conducted in such case, unless good cause is shown not to refer.

390 (2) Each judge of the Circuit Court who has ceased to hold office
391 because of retirement other than under the provisions of section 51-49
392 and who is an elector and a resident of this state shall be a state referee
393 for the remainder of such judge's term of office as a judge and shall be
394 eligible for appointment as a state referee during the remainder of such
395 judge's life in the manner prescribed by law for the appointment of a
396 judge of the court of which such judge is a member, to whom the
397 Superior Court may, with the written consent of the parties or their
398 attorneys, refer any case pending in court in which the issues have
399 been closed and which the judges of the Superior Court may establish
400 by rule to be the kind of case which may be heard by such referees
401 who have been appointed judge trial referees pursuant to subsection
402 (b) of this section. The judge trial referee shall hear any such case so
403 referred and report the facts to the court by which the case was
404 referred.

405 (3) Each judge of the Juvenile Court who ceases or has ceased to
406 hold office because of retirement other than under the provisions of
407 section 51-49 and who is an elector and a resident of this state shall be
408 a state referee for the remainder of such judge's term of office as a
409 judge and shall be eligible for appointment as a state referee during the
410 remainder of such judge's life in the manner prescribed by law for the
411 appointment of a judge of the court of which such judge is a member,
412 to whom a judge before whom any juvenile matter is pending may,

413 with the written consent of the child concerned, either of such child's
414 parents, or such child's guardian or attorney, refer any juvenile matter
415 pending, provided such referee has been appointed a judge trial
416 referee specifically designated to hear juvenile cases pursuant to
417 subsection (b) of this section. The judge trial referee shall hear any
418 matter so referred and report the facts to the court for the district from
419 which the matter was referred.

420 (4) In addition to the judge trial referees who are appointed
421 pursuant to subdivision (1), (2) or (3) of this subsection, the Chief
422 Justice may appoint, from qualified members of the bar of the state,
423 who are electors and residents of this state, as many state referees as
424 the Chief Justice may from time to time deem advisable or necessary.
425 No appointment of a member of the bar may be for a term of more
426 than three years. Notwithstanding the provisions of subsection (f) of
427 this section, state referees appointed by the Chief Justice from
428 members of the bar shall receive such reasonable compensation and
429 expenses as may be determined by the Chief Justice. The Superior
430 Court may appoint a state referee pursuant to this subdivision to take
431 such evidence as it directs in any civil, nonjury case including, but not
432 limited to, appeals under section 8-8 of the 2008 supplement to the
433 general statutes. Any such state referee shall report on such evidence
434 to the court with any findings of fact. The report shall constitute a part
435 of the proceeding upon which the determination of the court shall be
436 made.

437 Sec. 516. Subsection (b) of section 53a-25 of the general statutes is
438 repealed and the following is substituted in lieu thereof (*Effective from*
439 *passage*):

440 (b) Felonies are classified for the purposes of sentence as follows: (1)
441 Class A, (2) class B, (3) class C, (4) class D, and (5) unclassified, [and (6)
442 capital felonies.]

443 Sec. 517. Subsection (b) of section 53a-28 of the general statutes is
444 repealed and the following is substituted in lieu thereof (*Effective from*

445 *passage*):

446 (b) [Except as provided in section 53a-46a, when] Whenever a
447 person is convicted of an offense, the court shall impose one of the
448 following sentences: (1) A term of imprisonment; or (2) a sentence
449 authorized by section 18-65a or 18-73; or (3) a fine; or (4) a term of
450 imprisonment and a fine; or (5) a term of imprisonment, with the
451 execution of such sentence of imprisonment suspended, entirely or
452 after a period set by the court, and a period of probation or a period of
453 conditional discharge; or (6) a term of imprisonment, with the
454 execution of such sentence of imprisonment suspended, entirely or
455 after a period set by the court, and a fine and a period of probation or a
456 period of conditional discharge; or (7) a fine and a sentence authorized
457 by section 18-65a or 18-73; or (8) a sentence of unconditional discharge;
458 or (9) a term of imprisonment and a period of special parole as
459 provided in section 54-125e of the 2008 supplement to the general
460 statutes.

461 Sec. 518. Subsection (a) of section 53a-30 of the general statutes is
462 repealed and the following is substituted in lieu thereof (*Effective from*
463 *passage*):

464 (a) When imposing sentence of probation or conditional discharge,
465 the court may, as a condition of the sentence, order that the defendant:
466 (1) Work faithfully at a suitable employment or faithfully pursue a
467 course of study or of vocational training that will equip the defendant
468 for suitable employment; (2) undergo medical or psychiatric treatment
469 and remain in a specified institution, when required for that purpose;
470 (3) support the defendant's dependents and meet other family
471 obligations; (4) make restitution of the fruits of the defendant's offense
472 or make restitution, in an amount the defendant can afford to pay or
473 provide in a suitable manner, for the loss or damage caused thereby
474 and the court may fix the amount thereof and the manner of
475 performance; (5) if a minor, (A) reside with the minor's parents or in a
476 suitable foster home, (B) attend school, and (C) contribute to the
477 minor's own support in any home or foster home; (6) post a bond or

478 other security for the performance of any or all conditions imposed; (7)
479 refrain from violating any criminal law of the United States, this state
480 or any other state; (8) if convicted of a misdemeanor or a felony, other
481 than a capital felony under section 53a-54b in effect prior to the
482 effective date of this section, a class A felony or a violation of section
483 21a-278 of the 2008 supplement to the general statutes, 21a-278a, 53a-
484 55, 53a-56, 53a-56b, 53a-57, 53a-58 or 53a-70b or any offense for which
485 there is a mandatory minimum sentence which may not be suspended
486 or reduced by the court, and any sentence of imprisonment is
487 suspended, participate in an alternate incarceration program; (9) reside
488 in a residential community center or halfway house approved by the
489 Commissioner of Correction, and contribute to the cost incident to
490 such residence; (10) participate in a program of community service
491 labor in accordance with section 53a-39c; (11) participate in a program
492 of community service in accordance with section 51-181c; (12) if
493 convicted of a violation of subdivision (2) of subsection (a) of section
494 53-21 of the 2008 supplement to the general statutes, section 53a-70,
495 53a-70a, 53a-70b, 53a-71 of the 2008 supplement to the general statutes,
496 53a-72a or 53a-72b, undergo specialized sexual offender treatment; (13)
497 if convicted of a criminal offense against a victim who is a minor, a
498 nonviolent sexual offense or a sexually violent offense, as defined in
499 section 54-250, or of a felony that the court finds was committed for a
500 sexual purpose, as provided in section 54-254 of the 2008 supplement
501 to the general statutes, register such person's identifying factors, as
502 defined in section 54-250, with the Commissioner of Public Safety
503 when required pursuant to section 54-251 of the 2008 supplement to
504 the general statutes, 54-252 of the 2008 supplement to the general
505 statutes or 54-253 of the 2008 supplement to the general statutes, as the
506 case may be; (14) be subject to electronic monitoring, which may
507 include the use of a global positioning system; (15) if convicted of a
508 violation of section 46a-58 of the 2008 supplement to the general
509 statutes, 53-37a of the 2008 supplement to the general statutes, 53a-
510 181j, 53a-181k or 53a-181l, participate in an anti-bias crime education
511 program; (16) if convicted of a violation of section 53-247, undergo
512 psychiatric or psychological counseling or participate in an animal

513 cruelty prevention and education program provided such a program
514 exists and is available to the defendant; or (17) satisfy any other
515 conditions reasonably related to the defendant's rehabilitation. The
516 court shall cause a copy of any such order to be delivered to the
517 defendant and to the probation officer, if any.

518 Sec. 519. Subsection (b) of section 53a-35 of the general statutes is
519 repealed and the following is substituted in lieu thereof (*Effective from*
520 *passage*):

521 (b) The maximum term of an indeterminate sentence shall be fixed
522 by the court and specified in the sentence as follows: (1) For a class A
523 felony, life imprisonment; (2) for a class B felony, a term not to exceed
524 twenty years; (3) for a class C felony, a term not to exceed ten years; (4)
525 for a class D felony, a term not to exceed five years; (5) for an
526 unclassified felony, a term in accordance with the sentence specified in
527 the section of the general statutes that defines the crime; and (6) for a
528 capital felony under section 53a-54b in effect prior to the effective date
529 of this section, life imprisonment. [unless a sentence of death is
530 imposed in accordance with section 53a-46a.]

531 Sec. 520. Subsection (a) of section 53a-39a of the general statutes is
532 repealed and the following is substituted in lieu thereof (*Effective from*
533 *passage*):

534 (a) In all cases where a defendant has been convicted of a
535 misdemeanor or a felony, other than a capital felony under section 53a-
536 54b in effect prior to the effective date of this section, a class A felony
537 or a violation of section 21a-278 of the 2008 supplement to the general
538 statutes, 21a-278a, 53a-55, 53a-56, 53a-56b, 53a-57, 53a-58 or 53a-70b or
539 any other offense for which there is a mandatory minimum sentence
540 which may not be suspended or reduced by the court, after trial or by a
541 plea of guilty without trial, and a term of imprisonment is part of a
542 stated plea agreement or the statutory penalty provides for a term of
543 imprisonment, the court may, in its discretion, order an assessment for
544 placement in an alternate incarceration program under contract with

545 the Judicial Department. If the Court Support Services Division
546 recommends placement in an alternate incarceration program, it shall
547 also submit to the court a proposed alternate incarceration plan. Upon
548 completion of the assessment, the court shall determine whether such
549 defendant shall be ordered to participate in such program as an
550 alternative to incarceration. If the court determines that the defendant
551 shall participate in such program, the court shall suspend any sentence
552 of imprisonment and shall make participation in the alternate
553 incarceration program a condition of probation as provided in section
554 53a-30, as amended by this act.

555 Sec. 521. Subsection (a) of section 53a-40d of the general statutes is
556 repealed and the following is substituted in lieu thereof (*Effective from*
557 *passage*):

558 (a) A persistent offender of crimes involving assault, stalking,
559 trespass, threatening, harassment, criminal violation of a protective
560 order or criminal violation of a restraining order is a person who (1)
561 stands convicted of assault under section 53a-61, stalking under section
562 53a-181d, threatening under section 53a-62, harassment under section
563 53a-183, criminal violation of a protective order under section 53a-223,
564 criminal violation of a restraining order under section 53a-223b or
565 criminal trespass under section 53a-107 or 53a-108, and (2) has, within
566 the five years preceding the commission of the present crime, been
567 convicted of a capital felony under section 53a-54b in effect prior to the
568 effective date of this section, a class A felony, a class B felony, except a
569 conviction under section 53a-86 or 53a-122, a class C felony, except a
570 conviction under section 53a-87, 53a-152 or 53a-153, or a class D felony
571 under sections 53a-60 to 53a-60c, inclusive, 53a-72a, 53a-72b, 53a-95,
572 53a-103, 53a-103a, 53a-114, 53a-136 or 53a-216, assault under section
573 53a-61, stalking under section 53a-181d, threatening under section 53a-
574 62, harassment under section 53a-183, criminal violation of a protective
575 order under section 53a-223, criminal violation of a restraining order
576 under section 53a-223b, or criminal trespass under section 53a-107 or
577 53a-108 or has been released from incarceration with respect to such
578 conviction, whichever is later.

579 Sec. 522. Section 53a-46d of the general statutes is repealed and the
580 following is substituted in lieu thereof (*Effective from passage*):

581 A victim impact statement prepared with the assistance of a victim
582 advocate to be placed in court files in accordance with subdivision (2)
583 of subsection (a) of section 54-220 may be read in court prior to
584 imposition of sentence upon a defendant found guilty of a crime
585 punishable by [death] life imprisonment without the possibility of
586 release.

587 Sec. 523. Subsection (a) of section 53a-182b of the general statutes is
588 repealed and the following is substituted in lieu thereof (*Effective from*
589 *passage*):

590 (a) A person is guilty of harassment in the first degree when, with
591 the intent to harass, annoy, alarm or terrorize another person, he
592 threatens to kill or physically injure that person or any other person,
593 and communicates such threat by telephone, or by telegraph, mail,
594 computer network, as defined in section 53a-250, or any other form of
595 written communication, in a manner likely to cause annoyance or
596 alarm and has been convicted of a capital felony under section 53a-54b
597 in effect prior to the effective date of this section, a class A felony, a
598 class B felony, except a conviction under section 53a-86 or 53a-122, a
599 class C felony, except a conviction under section 53a-87, 53a-152 or 53a-
600 153, or a class D felony under sections 53a-60 to 53a-60c, inclusive, 53a-
601 72a, 53a-72b, 53a-95, 53a-103, 53a-103a, 53a-114, 53a-136 or 53a-216. For
602 the purposes of this section, "convicted" means having a judgment of
603 conviction entered by a court of competent jurisdiction.

604 Sec. 524. Subsection (a) of section 53a-217d of the general statutes is
605 repealed and the following is substituted in lieu thereof (*Effective from*
606 *passage*):

607 (a) A person is guilty of criminal possession of body armor when he
608 possesses body armor and has been (1) convicted of a capital felony
609 under section 53a-54b in effect prior to the effective date of this section,
610 a class A felony, except a conviction under section 53a-196a of the 2008

611 supplement to the general statutes, a class B felony, except a conviction
612 under section 53a-86, 53a-122 or 53a-196b, a class C felony, except a
613 conviction under section 53a-87, 53a-152 or 53a-153 or a class D felony
614 under sections 53a-60 to 53a-60c, inclusive, 53a-72a, 53a-72b, 53a-95,
615 53a-103, 53a-103a, 53a-114, 53a-136 or 53a-216, or (2) convicted as
616 delinquent for the commission of a serious juvenile offense, as defined
617 in section 46b-120 of the 2008 supplement to the general statutes.

618 Sec. 525. Subsection (b) of section 54-2a of the general statutes is
619 repealed and the following is substituted in lieu thereof (*Effective from*
620 *passage*):

621 (b) The court, judge or judge trial referee issuing a bench warrant
622 for the arrest of the person or persons complained against shall, in
623 cases punishable by [death or] life imprisonment or life imprisonment
624 without the possibility of release, set the conditions of release or
625 indicate that the person or persons named in the warrant shall not be
626 entitled to bail and may, in all other cases, set the conditions of release.
627 The conditions of release, if included in the warrant, shall fix the first
628 of the following conditions which the court, judge or judge trial referee
629 finds necessary to assure such person's appearance in court: (1)
630 Written promise to appear; (2) execution of a bond without surety in
631 no greater amount than necessary; or (3) execution of a bond with
632 surety in no greater amount than necessary.

633 Sec. 526. Subsection (b) of section 54-45 of the general statutes is
634 repealed and the following is substituted in lieu thereof (*Effective from*
635 *passage*):

636 (b) No person shall be put to plea or held to trial for any crime the
637 punishment of which may be [death or imprisonment for] life
638 imprisonment or life imprisonment without the possibility of release,
639 charged by the state before May 26, 1983, unless an indictment has
640 been found against [him] such person for such crime by a grand jury
641 legally impaneled and sworn, and no bill shall be presented by any
642 grand jury unless at least twelve of the jurors agree to it.

643 Sec. 527. Section 54-46 of the general statutes is repealed and the
644 following is substituted in lieu thereof (*Effective from passage*):

645 For all crimes charged by the state on or after May 26, 1983, the
646 prosecution may be by complaint or information. [For all crimes
647 punishable by death or imprisonment for life charged by the state
648 before May 26, 1983, the prosecution shall be by indictment.]

649 Sec. 528. Subsection (a) of section 54-46a of the general statutes is
650 repealed and the following is substituted in lieu thereof (*Effective from*
651 *passage*):

652 (a) No person charged by the state, who has not been indicted by a
653 grand jury prior to May 26, 1983, shall be put to plea or held to trial for
654 any crime punishable by [death or] life imprisonment or life
655 imprisonment without the possibility of release unless the court at a
656 preliminary hearing determines there is probable cause to believe that
657 the offense charged has been committed and that the accused person
658 has committed it. The accused person may knowingly and voluntarily
659 waive such preliminary hearing to determine probable cause.

660 Sec. 529. Section 54-48 of the general statutes is repealed and the
661 following is substituted in lieu thereof (*Effective from passage*):

662 When any crime punishable by [death or] imprisonment for more
663 than one year has been committed, the Governor, upon application of
664 the state's attorney for the judicial district in which it has been
665 committed, may offer, publicly, a reward not exceeding fifty thousand
666 dollars, to the person who gives information leading to the arrest and
667 conviction of the guilty person, or, if such guilty person has fled after
668 conviction of a felony in a court of this state, to the person who gives
669 information leading to the arrest and detention of the convicted felon,
670 whether found within the state or elsewhere, which reward shall be
671 paid to the informer by the state, by order of the court before which
672 such conviction is had.

673 Sec. 530. Section 54-53 of the general statutes is repealed and the

674 following is substituted in lieu thereof (*Effective from passage*):

675 Each person detained in a community correctional center pursuant
676 to the issuance of a bench warrant of arrest or for arraignment,
677 sentencing or trial for [an offense not punishable by death] any offense
678 shall be entitled to bail and shall be released from such institution
679 upon entering into a recognizance, with sufficient surety, or upon
680 posting cash bail as provided in section 54-66, for the detained person's
681 appearance before the court having cognizance of the offense, to be
682 taken by any person designated by the Commissioner of Correction at
683 the institution where the person is detained. The person so designated
684 shall deliver the recognizance or cash bail to the clerk of the
685 appropriate court before the opening of the court on the first court day
686 thereafter. When cash bail in excess of ten thousand dollars is received
687 for a detained person accused of a felony, where the underlying facts
688 and circumstances of the felony involve the use, attempted use or
689 threatened use of physical force against another person, the person so
690 designated shall prepare a report that contains (1) the name, address
691 and taxpayer identification number of the detained person, (2) the
692 name, address and taxpayer identification number of each person
693 offering the cash bail, other than a person licensed as a professional
694 bondsman under chapter 533 or a surety bail bond agent under
695 chapter 700f, (3) the amount of cash received, and (4) the date the cash
696 was received. Not later than fifteen days after receipt of such cash bail,
697 the person so designated shall file the report with the Department of
698 Revenue Services and mail a copy of the report to the state's attorney
699 for the judicial district in which the alleged offense was committed and
700 to each person offering the cash bail.

701 Sec. 531. Subsection (a) of section 54-53a of the general statutes is
702 repealed and the following is substituted in lieu thereof (*Effective from*
703 *passage*):

704 (a) No person who has not made bail may be detained in a
705 community correctional center pursuant to the issuance of a bench
706 warrant of arrest or for arraignment, sentencing or trial for [an offense

707 not punishable by death,] any offense for longer than forty-five days,
708 unless at the expiration of the forty-five days [he] such person is
709 presented to the court having cognizance of the offense. On each such
710 presentment, the court may reduce, modify or discharge the bail, or
711 may for cause shown remand the person to the custody of the
712 Commissioner of Correction. On the expiration of each successive
713 forty-five-day period, the person may again by motion be presented to
714 the court for such purpose.

715 Sec. 532. Section 54-82 of the general statutes is repealed and the
716 following is substituted in lieu thereof (*Effective from passage*):

717 (a) In any criminal case, prosecution or proceeding, the [party]
718 accused may, if [he] the accused so elects when called upon to plead,
719 be tried by the court instead of by the jury; and, in such case, the court
720 shall have jurisdiction to hear and try such case and render judgment
721 and sentence thereon.

722 (b) If the accused is charged with a crime punishable by [death or
723 imprisonment for] life imprisonment or life imprisonment without the
724 possibility of release and elects to be tried by the court, the court shall
725 be composed of three judges to be designated by the Chief Court
726 Administrator, or [his] the Chief Court Administrator's designee, who
727 shall name one such judge to preside over the trial. Such judges, or a
728 majority of them, shall have power to decide all questions of law and
729 fact arising upon the trial and render judgment accordingly.

730 (c) If the [party] accused does not elect to be tried by the court, [he]
731 the accused shall be tried by a jury of six except that no person [,]
732 charged with an offense which is punishable by [death or] life
733 imprisonment [,] or life imprisonment without the possibility of release
734 shall be tried by a jury of less than twelve without [his] such person's
735 consent.

736 Sec. 533. Section 54-82g of the general statutes is repealed and the
737 following is substituted in lieu thereof (*Effective from passage*):

738 The accused may challenge peremptorily, in any criminal trial
739 before the Superior Court for any offense punishable by [death] life
740 imprisonment without the possibility of release, twenty-five jurors; for
741 any offense punishable by [imprisonment for] life imprisonment,
742 fifteen jurors; for any offense the punishment for which may be
743 imprisonment for more than one year and for less than life, six jurors;
744 and for any other offense, three jurors. In any criminal trial in which
745 the accused is charged with more than one count on the information or
746 where there is more than one information, the number of challenges is
747 determined by the count carrying the highest maximum punishment.
748 The state, on the trial of any criminal prosecution, may challenge
749 peremptorily the same number of jurors as the accused.

750 Sec. 534. Subsection (a) of section 54-82h of the general statutes is
751 repealed and the following is substituted in lieu thereof (*Effective from*
752 *passage*):

753 (a) In any criminal prosecution to be tried to the jury in the Superior
754 Court if it appears to the court that the trial is likely to be protracted,
755 the court may, in its discretion, direct that, after a jury has been
756 selected, two or more additional jurors shall be added to the jury
757 panel, to be known as "alternate jurors". Such alternate jurors shall
758 have the same qualifications and be selected and subject to
759 examination and challenge in the same manner and to the same extent
760 as the jurors constituting the regular panel, provided, in any case when
761 the court directs the selection of alternate jurors, the number of
762 peremptory challenges allowed shall be as follows: In any criminal
763 prosecution the state and the accused may each peremptorily
764 challenge thirty jurors if the offense for which the accused is arraigned
765 is punishable by [death] life imprisonment without the possibility of
766 release, eighteen jurors if the offense is punishable by life
767 imprisonment, eight jurors if the offense is punishable by
768 imprisonment for more than one year and for less than life, and four
769 jurors in any other case.

770 Sec. 535. Section 54-82j of the general statutes is repealed and the

771 following is substituted in lieu thereof (*Effective from passage*):

772 Upon the written complaint of any state's attorney addressed to the
773 clerk of the superior court for the judicial district wherein such state's
774 attorney resides, alleging (1) that a person named therein is or will be a
775 material witness in a criminal proceeding then pending before or
776 returnable to the superior court for such judicial district, and in which
777 proceeding any person is or may be charged with an offense
778 punishable by [death or] imprisonment for more than one year, and (2)
779 that the state's attorney believes that such witness is likely to disappear
780 from the state, secrete himself or herself or otherwise avoid the service
781 of subpoena upon him or her, or refuse or fail to appear and attend in
782 and before such superior court as a witness, when desired, the clerk or
783 any assistant clerk of the court shall issue a warrant addressed to any
784 proper officer or indifferent person, for the arrest of the person named
785 as a witness, and directing that such person be forthwith brought
786 before any judge of the superior court for such judicial district, for
787 examination. The person serving the warrant shall bring the person so
788 arrested before the judge for examination as soon as is reasonably
789 possible and hold [him] such arrested person subject to the further
790 orders of the judge. The person serving the warrant shall also notify
791 the state's attorney of such arrest and of the time and place of such
792 examination.

793 Sec. 536. Section 54-83 of the general statutes is repealed and the
794 following is substituted in lieu thereof (*Effective from passage*):

795 No person may be convicted of any crime punishable by [death] life
796 imprisonment without the possibility of release without the testimony
797 of at least two witnesses, or that which is equivalent thereto.

798 Sec. 537. Subsection (a) of section 54-91a of the general statutes is
799 repealed and the following is substituted in lieu thereof (*Effective from*
800 *passage*):

801 (a) No defendant convicted of a crime, other than a capital felony
802 under section 53a-54b in effect prior to the effective date of this section,

803 or murder with special circumstances under section 53a-54b, as
804 amended by this act, in effect on or after the effective date of this
805 section, the punishment for which may include imprisonment for more
806 than one year, may be sentenced, or the defendant's case otherwise
807 disposed of, until a written report of investigation by a probation
808 officer has been presented to and considered by the court, if the
809 defendant is so convicted for the first time in this state; but any court
810 may, in its discretion, order a presentence investigation for a defendant
811 convicted of any crime or offense other than a capital felony under
812 section 53a-54b in effect prior to the effective date of this section, or
813 murder with special circumstances under section 53a-54b, as amended
814 by this act, in effect on or after the effective date of this section.

815 Sec. 538. Section 54-95 of the general statutes is repealed and the
816 following is substituted in lieu thereof (*Effective from passage*):

817 (a) Any defendant in a criminal prosecution, aggrieved by any
818 decision of the Superior Court, upon the trial thereof, or by any error
819 apparent upon the record of such prosecution, may be relieved by
820 appeal, petition for a new trial or writ of error, in the same manner and
821 with the same effect as in civil actions. No appeal may be taken from a
822 judgment denying a petition for a new trial unless, within ten days
823 after the judgment is rendered, the judge who heard the case or a judge
824 of the Supreme Court or the Appellate Court, as the case may be,
825 certifies that a question is involved in the decision which ought to be
826 reviewed by the Supreme Court or by the Appellate Court. It shall be
827 sufficient service of any such writ of error or petition for a new trial to
828 serve it upon the state's attorney for the judicial district where it is
829 brought.

830 (b) When such defendant is convicted and sentenced to a term of
831 imprisonment and, within two weeks after final judgment, files with
832 the clerk of the court wherein the conviction was had an appeal to the
833 Supreme Court or gives oral or written notice of his intention to appeal
834 to said court or to petition for a new trial, the appeal or the notice shall
835 operate as a stay of execution pending the final determination of the

836 case, provided the defendant is admitted to bail, except the appeal or
837 the notice shall not operate as a stay of execution, if within five days
838 after the filing of the appeal or notice thereof, the judge before whom
839 the criminal prosecution was tried directs in writing that the appeal or
840 the notice shall not operate as a stay of execution. Such order shall be
841 accompanied by a written statement of the judge's reasons for denying
842 the stay of execution. The order and the statement shall become a part
843 of the files and record of the case. If any defendant has been admitted
844 to bail following an oral or written notice of intent to appeal or petition
845 for a new trial and such defendant has failed, within twenty days after
846 the judgment from which the appeal is to be taken, or such further
847 period as the court may grant, to perfect the appeal or petition, a
848 mittimus for his arrest shall issue. If any defendant is imprisoned after
849 sentencing and before he is admitted to bail, such period of
850 imprisonment shall be counted toward satisfaction of his sentence. If
851 any defendant is admitted to bail and subsequently surrendered and
852 remitted to custody while his appeal is pending, the period of
853 imprisonment following thereafter shall be counted toward
854 satisfaction of his sentence.

855 [(c) In any criminal prosecution in which the defendant has been
856 sentenced to death and has taken an appeal to the Supreme Court of
857 this state or the Supreme Court of the United States or brought a writ
858 of error, writ of certiorari or petition for a new trial, the taking of the
859 appeal, the making of the application for a writ of certiorari or the
860 return into court of the writ of error or petition for a new trial shall,
861 unless, upon application by the state's attorney and after hearing, the
862 Supreme Court otherwise orders, stay the execution of the death
863 penalty until the clerk of the court where the trial was had has received
864 notification of the termination of any such proceeding by decision or
865 otherwise, and for thirty days thereafter. No appellate procedure shall
866 be deemed to have terminated until the end of the period allowed by
867 law for the filing of a motion for reargument, or, if such motion is filed,
868 until the proceedings consequent thereon are finally determined.
869 When execution is stayed under the provisions of this section, the clerk

870 of the court shall forthwith give notice thereof to the warden of the
871 institution in which such defendant is in custody. If the original
872 judgment of conviction has been affirmed or remains in full force at the
873 time when the clerk has received the notification of the termination of
874 any proceedings by appeal, writ of certiorari, writ of error or petition
875 for a new trial, and the day designated for the infliction of the death
876 penalty has then passed or will pass within thirty days thereafter, the
877 defendant shall, within said period of thirty days, upon an order of the
878 court in which the judgment was rendered at a regular or special
879 criminal session thereof, be presented before said court by the warden
880 of the institution in which the defendant is in custody or his deputy,
881 and the court, with the judge assigned to hold the session presiding,
882 shall thereupon designate a day for the infliction of the death penalty
883 and the clerk of the court shall issue a warrant of execution, reciting
884 therein the original judgment, the fact of the stay of execution and the
885 final order of the court, which warrant shall be forthwith served upon
886 the warden or his deputy.]

887 Sec. 539. Subsection (b) of section 54-125a of the general statutes, as
888 amended by section 5 of public act 08-1 of the January special session,
889 is repealed and the following is substituted in lieu thereof (*Effective*
890 *from passage*):

891 (b) (1) No person convicted of any of the following offenses, which
892 was committed on or after July 1, 1981, shall be eligible for parole
893 under subsection (a) of this section: Capital felony, as provided in
894 section 53a-54b in effect prior to the effective date of this section, or
895 murder with special circumstances, as provided in section 53a-54b, as
896 amended by this act, in effect on or after the effective date of this
897 section, felony murder, as provided in section 53a-54c, arson murder,
898 as provided in section 53a-54d, murder, as provided in section 53a-54a,
899 or aggravated sexual assault in the first degree, as provided in section
900 53a-70a. (2) A person convicted of (A) a violation of section 1 of [this
901 act] public act 08-1 of the January special session or section 53a-102, as
902 amended by [this act] section 3 of public act 08-1 of the January special
903 session, or (B) an offense, other than an offense specified in subdivision

904 (1) of this subsection, where the underlying facts and circumstances of
905 the offense involve the use, attempted use or threatened use of
906 physical force against another person shall be ineligible for parole
907 under subsection (a) of this section until such person has served not
908 less than eighty-five per cent of the definite sentence imposed.

909 Sec. 540. Subsection (d) of section 54-125d of the general statutes is
910 repealed and the following is substituted in lieu thereof (*Effective from*
911 *passage*):

912 (d) Notwithstanding any provision of the general statutes, a
913 sentencing court may refer any person convicted of an offense other
914 than a capital felony under section 53a-54b in effect prior to the
915 effective date of this section or a class A felony who is an alien to the
916 Board of Pardons and Paroles for deportation under this section.

917 Sec. 541. Subsection (a) of section 54-130a of 2008 supplement to the
918 general statutes the general statutes is repealed and the following is
919 substituted in lieu thereof (*Effective from passage*):

920 (a) Jurisdiction over the granting of, and the authority to grant,
921 commutations of punishment or releases, conditioned or absolute, in
922 the case of any person convicted of any offense against the state [and
923 commutations from the penalty of death] shall be vested in the Board
924 of Pardons and Paroles.

925 Sec. 542. Section 54-130d of the general statutes is repealed and the
926 following is substituted in lieu thereof (*Effective from passage*):

927 (a) For the purposes of this section, "victim" means a person who is
928 a victim of a crime, the legal representative of such person or a
929 member of a deceased victim's immediate family.

930 (b) At a session held by the Board of Pardons and Paroles to
931 consider whether to grant a commutation of punishment or release,
932 conditioned or absolute, [a commutation from the penalty of death] or
933 a pardon, conditioned or absolute, to any person convicted of any

934 crime, the board shall permit any victim of the crime for which the
935 person was convicted to appear before the board for the purpose of
936 making a statement for the record concerning whether the convicted
937 person should be granted such commutation, release or pardon. In lieu
938 of such appearance, the victim may submit a written statement to the
939 board and the board shall make such statement a part of the record at
940 the session.

941 (c) If the Board of Pardons and Paroles is prepared to grant a
942 commutation of punishment or release, conditioned or absolute, [a
943 commutation from the penalty of death] or a pardon, conditioned or
944 absolute, to a person convicted of an offense involving the use,
945 attempted use or threatened use of physical force against another
946 person or resulting in the physical injury, serious physical injury or
947 death of another person, it shall make reasonable efforts to locate and
948 notify any victim of the crime for which such person was convicted
949 prior to granting such commutation, release or pardon and shall
950 permit such victim to appear before the board and make a statement or
951 submit a statement as provided in subsection (b) of this section.

952 (d) Upon the granting to any person of a commutation of
953 punishment or release, conditioned or absolute, [a commutation from
954 the penalty of death] or a pardon, conditioned or absolute, the Board
955 of Pardons and Paroles shall forthwith notify the Office of Victim
956 Services of its action.

957 Sec. 543. Section 54-131b of the general statutes is repealed and the
958 following is substituted in lieu thereof (*Effective from passage*):

959 The Board of Pardons and Paroles may release on medical parole
960 any inmate serving any sentence of imprisonment, except an inmate
961 convicted of a capital felony [as defined in] under section 53a-54b in
962 effect prior to the effective date of this section or murder with special
963 circumstances under section 53a-54b, as amended by this act, in effect
964 on or after the effective date of this section, who has been diagnosed
965 pursuant to section 54-131c as suffering from a terminal condition,

966 disease or syndrome, and is so debilitated or incapacitated by such
967 condition, disease or syndrome as to be physically incapable of
968 presenting a danger to society. Notwithstanding any provision of the
969 general statutes to the contrary, the Board of Pardons and Paroles may
970 release such inmate at any time during the term of his sentence.

971 Sec. 544. Section 54-148 of the general statutes is repealed and the
972 following is substituted in lieu thereof (*Effective from passage*):

973 The support of prisoners in community correctional centers [] or
974 sentenced to a correctional institution [, or sentenced to death,] shall be
975 paid by the state.

976 Sec. 545. Section 54-193 of the general statutes is repealed and the
977 following is substituted in lieu thereof (*Effective from passage*):

978 (a) There shall be no limitation of time within which a person may
979 be prosecuted for a capital felony under section 53a-54b in effect prior
980 to the effective date of this section, a class A felony or a violation of
981 section 53a-54d or 53a-169.

982 (b) No person may be prosecuted for any offense, except a capital
983 felony under section 53a-54b in effect prior to the effective date of this
984 section, a class A felony or a violation of section 53a-54d or 53a-169, for
985 which the punishment is or may be imprisonment in excess of one
986 year, except within five years next after the offense has been
987 committed. No person may be prosecuted for any other offense, except
988 a capital felony under section 53a-54b in effect prior to the effective
989 date of this section, a class A felony or a violation of section 53a-54d or
990 53a-169, except within one year next after the offense has been
991 committed.

992 (c) If the person against whom an indictment, information or
993 complaint for any of said offenses is brought has fled from and resided
994 out of this state during the period so limited, it may be brought against
995 such person at any time within such period, during which such person
996 resides in this state, after the commission of the offense.

997 (d) When any suit, indictment, information or complaint for any
998 crime may be brought within any other time than is limited by this
999 section, it shall be brought within such time.

1000 Sec. 546. Subsection (b) of section 54-102jj of the general statutes is
1001 repealed and the following is substituted in lieu thereof (*Effective from*
1002 *passage*):

1003 (b) Upon the conviction of a person of a capital felony under section
1004 53a-54b in effect prior to the effective date of this section or murder
1005 with special circumstances under section 53a-54b, as amended by this
1006 act, in effect on or after the effective date of this section or the
1007 conviction of a person of a crime after trial, or upon order of the court
1008 for good cause shown, the state police, all local police departments,
1009 any agent of the state police or a local police department and any other
1010 person to whom biological evidence has been transferred shall
1011 preserve all biological evidence acquired during the course of the
1012 investigation of such crime for the term of such person's incarceration.

1013 Sec. 547. Subsection (a) of section 54-131k of the general statutes is
1014 repealed and the following is substituted in lieu thereof (*Effective from*
1015 *passage*):

1016 (a) The Board of Pardons and Paroles may grant a compassionate
1017 parole release to any inmate serving any sentence of imprisonment,
1018 except an inmate convicted of a capital felony, [as defined in] under
1019 section 53a-54b in effect prior to the effective date of this section or
1020 murder with special circumstances under section 53a-54b, as amended
1021 by this act, in effect on or after the effective date of this section, if it
1022 finds that such inmate (1) is so physically or mentally debilitated,
1023 incapacitated or infirm as a result of advanced age or as a result of a
1024 condition, disease or syndrome that is not terminal as to be physically
1025 incapable of presenting a danger to society, and (2) (A) has served not
1026 less than one-half of such inmate's definite or aggregate sentence, or
1027 (B) has served not less than one-half of such inmate's remaining
1028 definite or aggregate sentence after commutation of the original

1029 sentence by the Board of Pardons and Paroles.

1030 Sec. 548. (*Effective from passage*) Sections 18-10a, 53a-46a, 53a-46b,
1031 53a-46c, 54-99, 54-100, 54-100a, 54-101 and 54-102 of the general
1032 statutes are repealed."